HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 9231 OF 2000:

DATED: 18-08-2005

Between

M/s. Jai Raj Ispat Limited,

8,Phase-III, IDA, Jeedimetla, Hyderabad.

Rep. By its Executive Director Sri N.Venkateswarlu.

…..Petitioner

and

1. Transmission Corporation of AP Limited, rep. By its Managing director, Vidyuth Soudha, Khairatabad, Hyderabad.

2. The Superintending Engineer, Operation, R.R. Circle,

   Central Power Distribution Company, AP TRASCO

   Mint Compound, Hyderabad.

3. The Divisional Engineer, Electrical operation,

   Central Power Distribution Company, AP TRANSCO,

   Kukatpally, Rangareddy District.

   ….Respondents.

4.

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 9231 OF 2000:

ORDER:

This Writ Petition is filed seeking Writ of Mandamus, to declare the order dated 11-5-2000 in proceedings No. SE/OC/RRD/SAO/HT-III/D.No.73, issued by the second respondent, demanding an amount of Rs.4,21,285/- as illegal and arbitrary.

The service connection of the petitioner-Industry was inspected by the Divisional Engineer, DPE, Hyderabad and, during the said inspection, it was found that B-Phase potential is intermittently missing and the same was due to bad contact of B-phase voltage to the test block. As per the MRI report, it was found that the same was missing from 10-10-1999 to 24-11-1999. Initially proceedings were initiated by the Divisional Engineer, Electrical, Operations, AP.TRANSCO. Subsequently, final assessment proceedings were initiated by the Superintending Engineer, Operations, Ranga Reddy Circle. Referring to the proceedings of the Divisional Engineer, Electrical, and, also the letter addressed by the petitioner, the Superintending Engineer. Operations, Ranga Reddy District, has passed the order finally assessing the loss on account of the said allegation and demanded an amount of Rs.4,21,285/-.

This Writ Petition is filed mainly on the ground that the impugned demand is on account of defective meter; as such, the respondent authorities have no jurisdiction to assess the loss on their own, and, in view of the provision under Section 26(6) of the Indian Electricity Act, 1910, the same has to be referred to the Chief Electrical Inspector for examination and to assess the loss.

On the other hand, in the counter affidavit filed on behalf of the respondents, it is the case of the respondents that it is not the case of defective meter. But, however, it is stated that B-phase voltage to the meter is missing intermittently and the same is due to defect in the test block potential link voltage to the meter. Precisely, it is the case of the respondents that it is not the matter which falls within the purview of

Section 26(6) of the Indian Electricity Act, 1910.

Though, before the final assessing authority, i.e. Superintending Engineer, the petitioner has made a representation, but, however, there is no specific objection in this regard. Even according to the impugned orders, there is an alternative remedy of appeal to the Chief Engineer against the orders passed by the assessing authority. Having regard to the issue which is involved in this Writ Petition, the authority having technical knowledge and expertise can very well go into the aspect. Particularly, when there is remedy of appeal to the Chief Engineer, there is no reason to bye-pass the same. However, it is stated, that out of total demand of Rs.4,21,285/-, the petitioner has deposited Rs.1,61,000/- and further an amount of Rs.39,000, pursuant to the orders of this Court dated 24-5-2000. In that view of the matter, I dispose of the Writ Petition permitting the petitioner to prefer appeal to the Chief Engineer, within six weeks from today, and it is open for the petitioner to raise all objections before the appellate authority. As much as the petitioner has already deposited half of the demanded amount, I suspend the rest of the demand till disposal of the appeal by the appellate authority. However, it is further made clear that if the petitioner fails to file appeal within the time stipulated above, it is open for the respondents to take appropriate steps as per the terms and conditions of supply, for realization of the rest of the demanded amount.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 18 –08 -2005.

Msnr.